

In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 51

UNITED STATES OF AMERICA, APPELLANT

v.

JOSEPH FRANCIS NARDELLO AND ISADORE WEISBERG

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

During oral argument in this case on November 12, 1968, Mr. Justice Stewart asked counsel for the United States whether the legislative history of the Travel Act, 18 U.S.C. 1952, was completely silent on what Congress understood the term "extortion" to mean. In response to that question, counsel stated that while the hearings and committee reports did not present any discussion focusing on the intended content of this term in the draft bill, a letter from the Department of Justice to the Chairman of the House Judiciary Committee, objecting to a subcommittee amendment, revealed that the Department, in sponsoring the bill, had understood that it would cover, *inter alia*, "shakedown" extortions and that the sub-

committee amendment would eliminate such extor-
tions (and others) from the purview of the bill.
Counsel argued that it was in this context that the
conference disapproved the House amendment which
had "limited the coverage of the bill" and instead
adopted the "Senate coverage" as initially submitted
by the Department. H. Conf. Rep. No. 1161, 87th
Cong., 1st Sess., p. 3.

At that juncture, Mr. Justice White inquired
whether the letter to which counsel referred was part
of the record. Counsel responded that only an excerpt
of the letter, reprinted in a law review article cited
in the government's brief (p. 10, n. 7), was publicly
available. The Chief Justice and Mr. Justice White
then asked whether the complete text of the letter
could be obtained from the Department's files and
furnished to the Court. In accordance with that re-
quest, we now submit the full text of the letter as an
Appendix to this Memorandum. The portion quoted
in Mr. Pollner's law review article (28 Brooklyn Law
Review 37, 41) and referred to at oral argument comes
from the discussion of S. 1653, the bill that became the
Travel Act (pp. 4-5, *infra*).

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

NOVEMBER 1968.